

# **EXHIBIT 40**

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**March 16, 2000—Interference With Flight Crew—United States \***

A passenger on board Alaska Airlines flight 259 forced his way into the cockpit and tried to grab the plane's throttles and fuel controls. The plane, a McDonnell Douglas 80 aircraft, was en route from Puerto Vallarta, Mexico, to San Francisco, California, with 48 passengers and crew. The passenger shouted that he wanted to kill everyone when he broke through the locked cockpit door. The first officer struck the passenger with the handle of the crash ax and then struggled with him before suffering a gash on his hand. Upon hearing the captain's call for assistance, several passengers helped subdue the subject. The pilot declared an in-flight emergency and landed at the San Jose, California, international airport. The passenger was arrested and taken to a hospital for observation. Prior to entering the flight deck, the passenger had been disruptive, to include changing seats, running in the aisle, and pushing the flight attendants. He also pulled a three-inch knife on another passenger but did not use it either in gaining access to or fighting in the cockpit.

The passenger was indicted by a federal grand jury on two felony counts related to aircraft violence, each of which carries a possible 20-year prison sentence. As of mid-December, however, prosecutors indicated that they were willing to drop all charges against the individual conditional upon his staying out of trouble for 18 months. Psychiatrists determined that the subject had been acting under the influence of a mental disturbance influenced by encephalitis, according to media reporting.

**July 27, 2000—Commandeering—National Airlines—United States**

An armed individual walked past a security checkpoint at New York's JFK International Airport and on to National Airlines flight 019. The incident happened in Terminal 4 at approximately 2230 hours local, as passengers were boarding the Boeing 757-200 aircraft for a flight to Las Vegas, Nevada. The man showed his weapon, a Smith and Wesson 10 mm handgun, when challenged by a checkpoint screener, and then ran on to the jetway. He encountered a flight attendant and ordered her to close the plane's access door. The gunman then entered the plane behind the first class passenger section and immediately went to the cockpit with his gun drawn. He put the gun to the pilot's head and ordered him to fly south. First class passengers noticed the man's gun as he went down the aisle and began to leave the plane. Flight attendants in the rear of the cabin deployed chutes to allow other passengers to deplane. Approximately 124 of 142 passengers and seven crew members were on the plane at the time of this incident.

Police arrived within minutes of being notified, surrounded the plane, and began negotiations with the gunman. The pilot was initially told by the gunman to fly to Miami, Florida, but the gunman later said that he wanted to be flown to Antarctica. He also demanded to speak to someone from the Argentine Embassy. The pilot was released shortly after midnight and the copilot was released about 40 minutes later. The gunman peacefully surrendered at around 0330 hours local, July 28, and was taken into custody. He was arraigned in U.S. District Court, Brooklyn, on July 28 and charged with air piracy. He was ordered to undergo a psychiatric evaluation.